

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.10058 of 2019
and Cr1.MP.No.5198 of 2020

V.Anbalagan

... Petitioner

Vs.

Dharmapuri Market Committee,
Rep. By the Supervisor of Market,
Regulated Market,
A.Tamilmani,
Pappireddipatti,
Dharmapuri.

... Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in STC. No.285 of 2008 on the file of the learned Judicial Magistrate, Pappireddipatti and to quash the same as illegal, beyond the scope of authority given to the respondent herein by the competent authority and not maintainable.

For Petitioner : Mr.V.P.Sengottuvel

For Respondent : No appearance

ORDER

This petition has been filed seeking to quash the proceedings in STC. No.285 of 2008, on the file of the learned Judicial Magistrate, Pappireddipatti.

2. The respondent has filed a complaint against the petitioner before the Court below under Section 48 of the Tamil Nadu Agricultural Produce Marketing (Regulation) Act, 1987, (hereinafter referred to as 'the Act') on the ground that the

petitioner did not submit the monthly returns from 01.11.2007 to 31.05.2008 and 01.04.2007 to 31.05.2008.

3. The learned counsel for the petitioner primarily raised two grounds challenging the complaint given by the respondent. The first ground that was raised by the learned counsel for the petitioner is that the respondent must be given a specific sanction by the Director or any officer empowered by him to file the complaint under Section 58 of the Act. The learned counsel brought to the notice of this Court the sanction that was granted by the Director of Agriculture Department (Marketing), dated 14.02.2008 wherein the sanction was granted only for the month of November 2007. The learned counsel submitted that the period that is covered under the complaint filed by the respondent is from 01.11.2007 to 31.05.2008 and 01.04.2007 to 31.05.2008 and this period is much beyond the sanction granted under Section 58 of the Act.

4. The second ground that was raised by the learned counsel for the petitioner is that the respondent filed yet another complaint in STC. No.178 of 2008 with the very same allegation of non submission of the monthly returns for the period from 01.11.2007 to 31.03.2008 and 01.04.2007 to 31.03.2008. The learned counsel submitted that this complaint became a subject matter of challenge before this Court in Crl.OP.No.2524 of 2014 and this Court quashed the complaint by an order dated 04.04.2019 mainly on the ground that the sanction was not given to the respondent under Section 58 of the Act covering the entire period.

5. The respondent has been served with notice and a name of the respondent has also been printed in the cause list and there is no representation for the respondent.

6. In the considered view of this Court, the earlier order passed by this Court in Crl.OP.No.2524 of 2014 will squarely apply to the facts of the present case also. The only difference between the earlier complaint and the present complaint is regarding the period wherein the earlier complaint covered the period upto 31.03.2008 and this complaint covers the period upto 31.05.2008. Apart from the same, there is absolutely no difference in both the complaints. Even in the present case, the sanction granted by the Director of Agriculture Department (Marketing) does not cover the entire period and it merely grants sanction for non-filing of returns for November 2007 alone. The complaint filed by the respondent suffers from illegality due to lack of sanction under Section 58 of the Act.

7. In view of the above discussion, this Court has absolutely no hesitation to interfere with the criminal proceedings and accordingly, the proceedings in STC. No.285 of 2008, on the file of the learned Judicial Magistrate, Pappireddipatti, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To.
The Judicial Magistrate,
Pappireddipatti.

+1 cc to M/s.V.P.Sengottuvel, Advocate Sr.No. 3832

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